

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DANIEL NEKTALOV and NINA YAGUDAYEVA,

Docket No.:

Plaintiffs,

COMPLAINT

-against-

JURY TRIAL DEMANDED

JEFFERSON VALLEY MALL, JEFFERSON VALLEY MALL
LIMITED PARTNERSHIP, M.S. MANAGEMENT
ASSOCIATES, INC. and SIMONS PROPERTY GROUP,
INC.,

Defendants.

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Plaintiffs, by their attorneys, STEPHEN R. KRAWITZ, LLC, as and for their Verified
Complaint, respectfully allege, upon information and belief:

AS AND FOR A FIRST CAUSE OF ACTION

1. The plaintiff, DANIEL NEKTALOV, at all times herein mentioned was and still is a resident of the County of Queens and the State of New York.
2. The plaintiff, NINA YAGUDAYEVA, at all times herein mentioned was and still is a resident of the County of Queens and the State of New York.
3. The defendant JEFFERSON VALLEY MALL, at all times herein mentioned, was and still is a corporation organized and existing under the laws of the State of New York, with its principal place of business situated in the County of Westchester and the State of New York.
4. The defendant JEFFERSON VALLEY MALL LIMITED PARTNERSHIP, at all times herein mentioned, was and still is a partnership organized and existing under the laws of the State of New York, with its principal place of business situated in the County of Westchester and the State of New York.
5. The defendant M.S. MANAGEMENT ASSOCIATES, INC, at all times herein

mentioned, was and still is a corporation organized and existing under the laws of the State of New York, with its principal place of business situated in the County of Westchester and the State of New York.

6. The defendant SIMONS PROPERTY GROUP, INC., at all times herein mentioned, was and still is a foreign corporation organized and existing under the laws of the State of Indiana, with its principal place of business located at 225 West Washington Street, Indianapolis, Indiana 46204.

7. The defendant SIMONS PROPERTY GROUP, INC., at all times herein mentioned was and still is a foreign corporation duly licensed and authorized to do business in the State of New York.

JURISDICTION

8. There is complete diversity of citizenship between the plaintiff and the defendants.

9. This action is brought pursuant to 28 U.S.C. § 1332 (1), therefore jurisdiction and venue are proper.

10. The amount in controversy exceeds \$75,000 exclusive of interest and costs.

11. The defendant, JEFFERSON VALLEY MALL, at all times herein mentioned conducted and carried on business in the County of Westchester and the State of New York.

12. The defendant, JEFFERSON VALLEY MALL LIMITED PARTNERSHIP, at all times herein mentioned conducted and carried on business in the County of Westchester and the State of New York.

13. The defendant, M.S. MANAGEMENT ASSOCIATES, INC., at all times herein

mentioned conducted and carried on business in the County of Westchester and the State of New York.

14. The defendant, SIMONS PROPERTY GROUP INC, at all times herein mentioned conducted and carried on business in the County of Westchester and the State of New York.

15. The defendant, JEFFERSON VALLEY MALL LIMITED PARTNERSHIP, at all times herein mentioned was and still is a partnership doing business in the County of Westchester and the State of New York.

16. At all times herein mentioned, defendant JEFFERSON VALLEY MALL transacted business within the State of New York.

17. At all times herein mentioned, defendant JEFFERSON VALLEY MALL LIMITED PARTNERSHIP transacted business within the State of New York.

18. At all times herein mentioned, defendant M.S. MANAGEMENT ASSOCIATES, INC. transacted business within the State of New York.

19. At all times herein mentioned, defendant SIMONS PROPERTY GROUP, INC. transacted business within the State of New York.

20. At all times herein mentioned, defendant JEFFERSON VALLEY MALL derived substantial revenue from goods used or consumed or services rendered in the State of New York.

21. At all times herein mentioned, defendant JEFFERSON VALLEY MALL LIMITED PARTNERSHIP derived substantial revenue from goods used or consumed or services rendered in the State of New York.

22. At all times herein mentioned, defendant M.S. MANAGEMENT

ASSOCIATION, INC. derived substantial revenue from goods used or consumed or services rendered in the State of New York.

23. At all times herein mentioned, defendant SIMONS PROPERTY GROUP, INC. derived substantial revenue from goods used or consumed or services rendered in the State of New York.

24. At all times herein mentioned, defendant JEFFERSON VALLEY MALL expected or should reasonably have expected its acts to have consequences in the State of New York.

25. At all times herein mentioned, defendant JEFFERSON VALLEY MALL LIMITED PARTNERSHIP expected or should reasonably have expected its acts to have consequences in the State of New York.

26. At all times herein mentioned, defendant M.S. MANAGEMENT ASSOCIATES, INC. expected or should reasonably have expected its acts to have consequences in the State of New York.

27. At all times herein mentioned, defendant SIMONS PROPERTY GROUP, INC. expected or should reasonably have expected its acts to have consequences in the State of New York.

28. At all times herein mentioned, DANIEL NEKTALOV was a lawful pedestrian upon the defendants' premises located at Jefferson Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

29. At all times herein mentioned, DANIEL NEKTALOV was a lawful pedestrian upon the defendants' premises located at Jefferson Mall, 650 Lee Boulevard, Yorktown Heights,

New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist, when plaintiff was caused to slip, stumble and fall due to a wet, oily, slippery, dirty and obstructed common walkway then and there existing.

30. At all times herein mentioned, the defendant JEFFERSON VALLEY MALL owned the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

31. At all times herein mentioned, the defendant JEFFERSON VALLEY MALL LIMITED PARTNERSHIP owned the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

32. At all times herein mentioned, the defendant M.S. MANAGEMENT ASSOCIATES, INC. owned the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

33. At all times herein mentioned, the defendant SIMONS PROPERTY GROUP, INC. owned the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

34. At all times herein mentioned, the defendant JEFFERSON VALLEY MALL was one of the owners of the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in

front of C&C Unisex Hairstylist.

35. At all times herein mentioned, the defendant JEFFERSON VALLEY MALL LIMITED PARTNERSHIP was one of the owners of the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

36. At all times herein mentioned, the defendant M.S. MANAGEMENT ASSOCIATES, INC. was one of the owners of the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

37. At all times herein mentioned, the defendant SIMONS PROPERTY GROUP, INC. was one of the owners of the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

38. At all times herein mentioned, the defendant JEFFERSON VALLEY MALL, defendant's servants, agents and/or employees operated the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

39. At all times herein mentioned, the defendant JEFFERSON VALLEY MALL LIMITED PARTNERSHIP, defendant's servants, agents and/or employees operated the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

40. At all times herein mentioned, the defendant M.S. MANAGEMENT ASSOCIATES, INC., defendant's servants, agents and/or employees operated the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

41. At all times herein mentioned, the defendant SIMONS PROPERTY GROUP, INC., defendant's servants, agents and/or employees operated the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

42. At all times herein mentioned, the defendant JEFFERSON VALLEY MALL, defendant's servants, agents and/or employees maintained the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

43. At all times herein mentioned, the defendant JEFFERSON VALLEY MALL LIMITED PARTNERSHIP, defendant's servants, agents and/or employees maintained the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

44. At all times herein mentioned, the defendant M.S. MANAGEMENT ASSOCIATES, INC., defendant's servants, agents and/or employees maintained the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex

Hairstylist.

45. At all times herein mentioned, the defendant SIMONS PROPERTY GROUP, INC., defendant's servants, agents and/or employees maintained the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

46. At all times herein mentioned, the defendant JEFFERSON VALLEY MALL, defendant's servants, agents and/or employees managed the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

47. At all times herein mentioned, the defendant JEFFERSON VALLEY MALL LIMITED PARTNERSHIP, defendant's servants, agents and/or employees managed the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

48. At all times herein mentioned, the defendant M.S. MANAGEMENT ASSOCIATES, INC., defendant's servants, agents and/or employees managed the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

49. At all times herein mentioned, the defendant SIMONS PROPERTY GROUP, INC., defendant's servants, agents and/or employees managed the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of

the common walkway area in the mall in front of C&C Unisex Hairstylist.

50. At all times herein mentioned, the defendant JEFFERSON VALLEY MALL, defendant's servants, agents and/or employees controlled the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

51. At all times herein mentioned, the defendant JEFFERSON VALLEY MALL LIMITED PARTNERSHIP, defendant's servants, agents and/or employees controlled the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

52. At all times herein mentioned, the defendant M.S. MANAGEMENT ASSOCIATES, INC., defendant's servants, agents and/or employees controlled the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

53. At all times herein mentioned, the defendant SIMONS PROPERTY GROUP, INC., defendant's servants, agents and/or employees controlled the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

54. At all times herein mentioned, the defendant JEFFERSON VALLEY MALL, defendant's servants, agents and/or employees supervised the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of

the common walkway area in the mall in front of C&C Unisex Hairstylist.

55. At all times herein mentioned, the defendant JEFFERSON VALLEY MALL LIMITED PARTNERSHIP, defendant's servants, agents and/or employees supervised the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

56. At all times herein mentioned, the defendant M.S. MANAGEMENT ASSOCIATES, INC., defendant's servants, agents and/or employees supervised the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

57. At all times herein mentioned, the defendant SIMONS PROPERTY GROUP, INC, defendant's servants, agents and/or employees supervised the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

58. On or before October 29, 2006, the defendant JEFFERSON VALLEY MALL, defendant's servants, agents and/or employees inspected the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

59. On or before October 29, 2006, the defendant JEFFERSON VALLEY MALL LIMITED PARTNERSHIP, defendant's servants, agents and/or employees inspected the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York,

more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

60. On or before October 29, 2006, the defendant M.S. MANAGEMENT ASSOCIATES, INC., defendant's servants, agents and/or employees inspected the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

61. On or before October 29, 2006, the defendant SIMONS PROPERTY GROUP, INC., defendant's servants, agents and/or employees inspected the premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist.

62. At all times herein mentioned, it was the duty of the defendant JEFFERSON VALLEY MALL, defendant's servants, agents and/or employees to maintain said premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist, in a reasonably safe and suitable condition and in good repair.

63. At all times herein mentioned, it was the duty of the defendant JEFFERSON VALLEY MALL LIMITED PARTNERSHIP, defendant's servants, agents and/or employees to maintain said premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist, in a reasonably safe and suitable condition and in good repair.

64. At all times herein mentioned, it was the duty of the defendant M.S.

MANAGEMENT ASSOCIATES, INC., defendant's servants, agents and/or employees to maintain said premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist, in a reasonably safe and suitable condition and in good repair.

65. At all times herein mentioned, it was the duty of the defendant SIMONS PROPERTY GROUP, INC., defendant's servants, agents and/or employees to maintain said premises located at Jefferson Valley Mall, 650 Lee Boulevard, Yorktown Heights, New York, more specifically the 1st level of the common walkway area in the mall in front of C&C Unisex Hairstylist, in a reasonably safe and suitable condition and in good repair.

66. Solely as a result of the defendants' negligence, carelessness and recklessness, DANIEL NEKTALOV was caused to suffer severe and serious personal injuries to mind and body, and further, that DANIEL NEKTALOV was subjected to great physical pain and mental anguish.

67. By reason of the foregoing, DANIEL NEKTALOV was severely injured and damaged, sustained severe nervous shock and mental anguish, great physical pain and emotional upset, some of which injuries are believed to be permanent in nature and duration, and DANIEL NEKTALOV will be permanently caused to suffer pain, inconvenience and other effects of such injuries; DANIEL NEKTALOV incurred and in the future will necessarily incur further hospital and/or medical expenses in an effort to be cured of said injuries; and DANIEL NEKTALOV will be unable to pursue DANIEL NEKTALOV's usual duties with the same degree of efficiency as prior to this accident, all to DANIEL NEKTALOV's great damage.

68. Due to defendants' negligence, plaintiff DANIEL NEKTALOV is entitled to

damages in a sum which exceeds the jurisdictional limit of this Court.

AS AND FOR A SECOND CAUSE OF ACTION

69. Plaintiff NINA YAGUDAYEVA repeats and realleges each and every allegation contained in paragraphs numbered "1" through "68" of the Complaint as if fully set forth at length herein.

70. At all times herein mentioned, plaintiff NINA YAGUDAYEVA was the lawfully wedded spouse of plaintiff DANIEL NEKTALOV, and as such, was entitled to the services, earnings, consortium and society of DANIEL NEKTALOV.

71. As a result of this accident, this plaintiff lost the said services, earnings, consortium and society of DANIEL NEKTALOV, and was caused to expend monies in the care and treatment of the injuries so sustained by DANIEL NEKTALOV.

72. Due to defendants' tortious and/or wrongful conduct as herein alleged, plaintiff NINA YAGUDAYEVA is entitled to damages in a sum which exceeds the jurisdictional limit of this Court.

WHEREFORE, the plaintiffs demand judgment awarding damages, in an amount exceeding the monetary jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest and the costs and disbursements of this action, and such other and further relief as to this Court seems just and proper.

Dated: New York, NY
July 5, 2007

STEPHEN R. KRAWITZ, LLC
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